

When recorded mail to:



FEE # 92 11506

RECORDED AT THE REQUEST OF

Board of Supervisors

ON JUL 22 '92-4 45 PM

IN DOCKET 1088 PAGE(S) 1-9 Incl.

OFFICIAL RECORDS OF NAVAJO COUNTY, ARIZONA

JAY H. TURLEY, RECORDER

CAPTION HEADING: Re-Recording of  
Resolution #36-92

MICROFILMED  
INDEXED

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INDEXED



FEE # 92 08531  
RECORDED AT THE REQUEST OF  
BOARD OF SUPERVISORS

ON JUN 02 '92-9 05AM  
IN DOCKET 1081 PAGE(S) 009-016 Incl.  
OFFICIAL RECORDS OF NAVAJO COUNTY, ARIZONA  
JAY H. TURLEY, RECORDER

RESOLUTION #36-92

A RESOLUTION OF THE NAVAJO COUNTY BOARD OF SUPERVISORS  
GRANTING/ \*  
THE ABANDONMENT OF A COUNTY INTEREST

The Navajo County Board of Supervisors does resolve as follows:

SECTION 1. The Board of Supervisors does hereby declare and determine that the following request for abandonment of this County Interest was initiated and filed by Howard Ginsburg, and a Public Hearing was duly held on the 13th day of April, 1992, to abandon:

Tomahawk Road, located in a portion of Section 3, T8N-R23E, G&SRM, Navajo County, Arizona. Pinetop Lakes Country Club.

SECTION 2. The aforementioned petitioner has filed a request in accordance with rules and regulations of Navajo County Zoning Ordinance and Subdivision Regulations.

SECTION 3. The Board of Supervisors, pursuant to ARS 18-210 and ARS 28-1902 has found the subject roadway, street, alley or easement IS/IS NOT necessary for public use as a throughway.

SECTION 4. The Board of Supervisors does here GRANT/ \* the abandonment of the County Interest on the following described property:

Per attached legal description and contingent upon agreements as stated on attached.

SECTION 5. Upon the abandonment of said County Interest the property described be vested in title and accrued to the owners of the land abutting such vacated portion pursuant to ARS 28-1902.

APPROVED and ADOPTED this 13th day of April, 1992.

  
Chairman *Acting*  
Navajo County Board of Supervisors

ATTEST:

\*This Resolution being re-recorded to show deletion of word Denying.

  
Clerk of the Board

rev 5/92

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Resolution #36-92  
Stipulations

Page 2 of 5

The Navajo County Board of Supervisors will grant the abandonment of the County Interest in Tomahawk Road if within thirty (30) days of the execution of this Resolution an agreement can be made between Mr. Howard Ginsburg and the Pinetop Lakes Homeowners Association whereby, Mr. Ginsburg will dedicated a public right-of-way, across his property, for equestrian uses.

\* This recorded resolution corrects the legal and adds pertinent documents to the one Recorded May 7, 1992. Doc. #1076 Pgs. 990-994 included.

## LEGAL DESCRIPTION

### TOMAHAWK ROAD ABANDONMENT

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 23 EAST OF THE GILA AND SALT RIVER MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 3, A B.L.M. BRASS CAP;  
THENCE SOUTH  $89^{\circ} 48' 37''$  WEST ALONG THE MID SECTION LINE A DISTANCE OF 2676.35 FEET TO A POINT ON A NON TANGENT CURVE, (MES. =  $S 89^{\circ} 48' 37'' W$ , 2676.55 FEET);  
THENCE SOUTHWESTERLY ALONG A CURVE CONCAVED TO THE RIGHT A DISTANCE OF 357.05 FEET TO A POINT OF TANGENT, SAID CURVE HAVING A CENTRAL ANGLE OF  $50^{\circ} 45' 47''$ , A RADIUS OF 403 FEET, ( MES. = LENGTH = 356.87 FEET, CORD BEARING =  $S 45^{\circ} 56' 38'' W$ , CORD = 345.32 FEET);  
THENCE SOUTH  $71^{\circ} 16' 07''$  WEST TO A POINT ON A NON TANGENT CURVE, A DISTANCE OF 88.62 FEET (MES. =  $S 71^{\circ} 17' 24'' W$ , 88.62 FEET)  
SAID POINT ALSO BEING THE POINT OF BEGINNING OF TOMAHAWK ROAD ABANDONMENT;  
THENCE SOUTHEASTERLY ALONG A CURVE CONCAVED TO THE RIGHT A DISTANCE OF 288.36 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF  $34^{\circ} 52' 18''$  A RADIUS OF 473.75 FEET, ( MES. = LENGTH = 288.44 FEET, CORD BEARING =  $S 52^{\circ} 57' 01'' E$ , CORD = 284.01 FEET );  
THENCE SOUTH  $35^{\circ} 29' 12''$  EAST, 115.13 FEET TO A POINT OF A CURVE, ( MES. =  $S 35^{\circ} 29' 19'' E$ , 115.13 FEET);  
THENCE SOUTHEASTERLY ALONG A CURVE CONCAVED TO THE LEFT A DISTANCE OF 97.49 FEET, SAID CURVE HAVING A CENTRAL OF  $05^{\circ} 34' 48''$ , A RADIUS OF 1000.99 FEET, (MES. = LENGTH = 97.48 FEET, CORD BEARING =  $S 38^{\circ} 16' 43'' E$ , CORD = 97.44 FEET);  
THENCE SOUTH  $41^{\circ} 04'$  EAST, 250 FEET TO A POINT OF CURVE, (MES. =  $S 41^{\circ} 04' 07'' E$ , 250 FEET);  
THENCE SOUTHEASTERLY ALONG A CURVE CONCAVED TO THE LEFT A DISTANCE OF 283.01 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF  $26^{\circ} 34' 00''$ , A RADIUS OF 610.37 FEET, (MES. = LENGTH = 281.68 FEET, CORD BEARING =  $S 54^{\circ} 18' 36'' E$ , CORD = 279.19 FEET);  
THENCE SOUTH  $67^{\circ} 38'$  EAST, 168 FEET TO A POINT OF CURVE, (MES. =  $S 67^{\circ} 43' 46'' E$ , 168 FEET);  
THENCE SOUTHEASTERLY ALONG A CURVE CONCAVED TO THE RIGHT A DISTANCE OF 102.36 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF  $05^{\circ} 36'$ , A RADIUS OF 1047.32 FEET, (MES. = LENGTH = 102.36 FEET, CORD BEARING =  $S 64^{\circ} 55' 46'' E$ , CORD = 102.32 FEET;  
THENCE SOUTH  $62^{\circ} 02'$  EAST, 305 FEET TO A POINT OF CURVE, (MES. =  $S 62^{\circ} 07' 46'' E$ , 305.54 FEET);  
THENCE SOUTHEASTERLY ALONG A CURVE CONCAVED TO THE RIGHT A DISTANCE OF 211.37 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF  $14^{\circ} 11' 42''$ , A RADIUS OF 853.14 FEET, (MES. = LENGTH = 210.79 FEET, CORD BEARING OF  $S 55^{\circ} 02' 25'' E$ , CORD = 210.25 FEET);  
THENCE SOUTH  $47^{\circ} 50' 18''$  EAST, 213.11 FEET TO A POINT OF CURVE, (MES.  $S 47^{\circ} 50' E$ , 213.87 FEET);  
THENCE SOUTHEASTERLY ALONG A CURVE CONCAVED TO THE RIGHT A DIS-

TANCE OF 203.58 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 04° 12' 18", A RADIUS OF 2773.9 FEET, (MES.= LENGTH = 202.88 FEET, CORD BEARING OF S 45° 37' 43" E, CORD = 202.83 FEET);  
 THENCE SOUTH 43° 38' EAST, 215 FEET TO A POINT OF CURVE, (MES. = S 43° 40' 40" E, 215 FEET);  
 THENCE SOUTHEASTERLY ALONG A CURVE CONCAVED TO THE LEFT A DISTANCE OF 93.55 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 13° 41' 46", A RADIUS OF 391.34 FEET, (MES.= LENGTH = 93.63 FEET, CORD BEARING = S 50° 22' 19" E, CORD = 93.41 FEET);  
 THENCE SOUTH 57° 19' 46" EAST, 60 FEET TO A POINT, (MES.= S 57° 21' 25" E, 59.94 FEET), SAID POINT BEING THE END OF THE NORTHERLY LINE OF SAID TOMAHAWK ROAD ABANDONMENT;  
 THENCE SOUTH 32° 38' 35" WEST, 50 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID TOMAHAWK ROAD ABANDONMENT, (MES.= S 32° 38' 36" W, 50.25 FEET);  
 THENCE NORTH 57° 19' 46" WEST ALONG THE SOUTHERLY LINE OF TOMAHAWK ROAD A DISTANCE OF 60 FEET, (MES.= N 56° 57' 19" W, 59.94 FEET);  
 THENCE NORTHWESTERLY ALONG A CURVE CONCAVED TO THE RIGHT A DISTANCE OF 105.50 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 13° 41' 46", A RADIUS OF 441.34 FEET, (MES.= LENGTH = 105.57 FEET, CORD BEARING = N 50° 28' 34" W, CORD = 105.32 FEET);  
 THENCE NORTH 43° 38' WEST, 215 FEET TO A POINT OF CURVE, (MES.= N 43° 37' 35" W, 214.97 FEET);  
 THENCE NORTHWESTERLY ALONG A CURVE CONCAVED TO THE LEFT A DISTANCE OF 199.91 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 04° 12' 18", A RADIUS OF 2723.90 FEET, (MES.= LENGTH = 199.20 FEET, CORD BEARING = N 45° 40' 52" W, CORD = 199.16 FEET);  
 THENCE NORTH 47° 50' 18" WEST, 213.11 FEET TO A POINT OF CURVE, (MES.= N 47° 53' 35" W, 213.78 FEET);  
 THENCE NORTHWESTERLY ALONG A CURVE CONCAVED TO THE LEFT A DISTANCE OF 198.98 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 14° 11' 42", A RADIUS OF 803.11 FEET, (MES.= LENGTH = 198.74 FEET, CORD BEARING = N 54° 57' 53" W, CORD = 198.23 FEET);  
 THENCE NORTH 62° 02' WEST, 305 FEET TO A POINT OF CURVE, (MES.= N 62° 07' 54" W, 305.26 FEET);  
 THENCE NORTHWESTERLY ALONG A CURVE CONCAVED TO THE LEFT A DISTANCE OF 97.48 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 05° 36', A RADIUS OF 997.32 FEET, (MES.= LENGTH = 97.45 FEET, CORD BEARING = N 64° 57' 58" W, CORD = 97.41 FEET);  
 THENCE NORTH 67° 38' WEST, 168 FEET TO A POINT OF CURVE, (MES.= N 67° 43' 46" W, 168 FEET);  
 THENCE NORTHWESTERLY ALONG A CURVE CONCAVED TO THE LEFT A DISTANCE OF 306.20 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 26° 34', A RADIUS OF 660.37 FEET, (MES.= LENGTH = 304.95 FEET, CORD BEARING = N 54° 19' 01" W, CORD = 302.25 FEET);  
 THENCE NORTH 41° 04' WEST, 250 FEET TO A POINT OF CURVE, (MES.= N 41° 04' 07" W, 250 FEET);  
 THENCE NORTHWESTERLY ALONG A CURVE CONCAVED TO THE RIGHT A DISTANCE OF 102.36 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 05° 34' 48", A RADIUS OF 1050.99 FEET, (MES.= LENGTH = 102.56 FEET, CORD BEARING = N 38° 16' 23" W, CORD = 102.52 FEET);  
 THENCE NORTH 35° 29' 09" WEST, 115.13 FEET TO A POINT OF CURVE, (MES. N 35° 29' 12" W, 115.13 FEET);  
 THENCE NORTHWESTERLY ALONG A CURVE CONCAVED TO THE LEFT A DIS-

TANCE OF 386.28 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF U.S.F.S. ROAD NO. 182, SAID CURVE HAVING A CENTRAL ANGLE OF  $52^{\circ} 13' 48''$ , A RADIUS OF 423.75 FEET, (MES. = LENGTH = 383.43 FEET, CORD BEARING = N  $61^{\circ} 30' 15''$  W, CORD = 370.48 FEET); THENCE SOUTH  $87^{\circ} 44' 02''$  EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 63.24 FEET; THENCE NORTH  $71^{\circ} 16' 07''$  EAST ALONG PREVIOUS SAID RIGHT OF WAY A DISTANCE OF 80.71 FEET TO THE POINT OF BEGINNING OF SAID TOMAHAWK ROAD ABANDONMENT.





PUBLIC EQUESTRIAN RIGHT-OF-WAY DEED

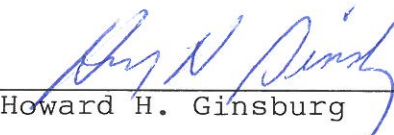
THIS INDENTURE, made this 1st day of May by and between Howard H. Ginsburg the party of the first part and hereafter designated as the GRANTOR, and the public, the party of the second part and hereinafter designated as the GRANTEE.

For valuable consideration, receipt of which is hereby acknowledged and the further consideration of the sum of One Dollar (\$1.00) the GRANTOR does hereby grant, and does by these presents convey to the use of the GRANTEE forever, that certain parcel of land situated in Navajo County, Arizona, and described as follows:

See attached legal description described as "50 Foot Equestrian Easement"

TO HAVE AND TO HOLD the same forever, for the purpose of a public equestrian right-of-way, and all incidents thereto. Should the above described premises ever be abandoned by the Navajo County Board of Supervisors, for use as an equestrian right-of-way, the title thereto will automatically revert and vest in the GRANTOR herein, his heirs or assigns. Granting of this deed does not constitute acceptance by Navajo County.

IN WITNESS WHEREOF, this instrument has been duly signed and executed by the GRANTOR the day and year above written.

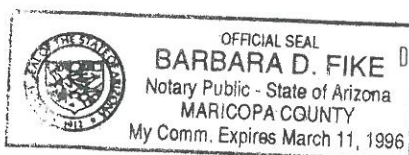
  
Howard H. Ginsburg

State of Arizona       )  
                                  ) ss.  
County of Maricopa    )

This instrument was duly acknowledged before me this 1st day of May, 19 92, by Howard H. Ginsburg for the purpose and consideration therein contained.

  
Notary Public

My Commission Expires On:  
March 11, 1996



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50FOOT EQUESTRIAN EASEMENT

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 23 EAST OF THE GILA AND SALT RIVER MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 3, A B.L.M. BRASS CAP;

THENCE SOUTH 89° 48' 37" WEST ALONG THE MID SECTION LINE A DISTANCE OF 2676.35 FEET TO A POINT ON A NON TANGENT CURVE, (MES. = S 89° 48' 37" W, 2676.55 FEET);

THENCE SOUTHWESTERLY ALONG A CURVE CONCAVED TO THE RIGHT A DISTANCE OF 357.05 FEET TO A POINT OF TANGENT, SAID CURVE HAVING A CENTRAL ANGLE OF 50° 45' 47", A RADIUS OF 403 FEET, ( MES. = LENGTH = 356.87 FEET, CORD BEARING = S 45° 56' 38" W, CORD = 345.32 FEET);

THENCE SOUTH 71° 16' 07" WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD A DISTANCE OF 169.33 FEET (MES. = S 71° 17' 24" W, 169.33 FEET);

THENCE NORTH 87° 43' 00" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 85.24 FEET TO THE POINT OF BEGINNING OF A 50 FOOT EQUESTRIAN EASEMENT, SAID POINT ALSO LIES ON THE SOUTHWESTERLY LINE OF AN EXISTING POWER LINE EASEMENT, MONUMENTED BY A 1/2" REBAR WITH CAP, R.L.S. # 16626, (MES. = N 87° 44' 02" W, 85.24 FEET);

THENCE SOUTH 47° 51' 00" EAST ALONG THE SOUTHERLY LINE OF POWER LINE EASEMENT A DISTANCE OF 2634.67 FEET TO A POINT THAT LIES ON THE NORTHERLY LINE OF LOT 60, PINETOP LAKES EQUESTRIAN, UNIT ONE, BOOK 11 OF PLATS, PAGE 16, NAVAJO COUNTY RECORDS, MONUMENTED BY A 1/2" REBAR WITH CAP, R.L.S. # 16626 (MES. = S 47° 49' 04" E, 2634.44 FEET);

THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 60, A CURVE CONCAVED TO THE LEFT A DISTANCE OF 57.71 FEET, SAID CURVE HAVING A RADIUS OF 1600 FEET, A CORD BEARING OF NORTH 72° 06' 25" EAST A CORD DISTANCE OF 57.71 FEET, MONUMENTED BY A 1/2" REBAR WITH CAP, R.L.S. # 16626 (MES. = CORD BEARING N 71° 32' 45" E, CORD DISTANCE 57.37 FEET);

THENCE NORTH 47° 51' 00" WEST ALONG THE CENTER LINE OF AN EXISTING 100 FOOT POWER LINE EASEMENT A DISTANCE OF 2603.62 FEET TO A POINT THAT LIES ON THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD (MES. = N 47° 49' 04" W, 2602.80 FEET);

THENCE NORTH 87° 43' 00" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 78.00 FEET TO THE POINT OF BEGINNING (MES. = N 87° 44' 02" W, 77.92 FEET).





**NAVAJO COUNTY**  
**PLANNING & BUILDING SAFETY DEPARTMENT**  
NAVAJO COUNTY GOVERNMENTAL CENTER



May 14, 1992

Board of Directors  
Pinetop Lakes Association  
c/o Frank Smith & Associates  
P.O. Box 1368  
Pinetop, Arizona 85935

**RE: ABANDONMENT OF TOMAHAWK ROAD AND ACCEPTANCE BY NAVAJO COUNTY OF A PUBLIC EQUESTRIAN RIGHT-OF-WAY.**

Gentlemen:

The Navajo County Board of Supervisors, at a public hearing March 23, 1992, conditionally granted the abandonment of the right-of-way for Tomahawk Road, as requested by Mr. Howard Ginsburg. The conditions of granting the abandonment were that Mr. Ginsburg dedicate to the public an equestrian right-of-way across his property and that the size and location of this right-of-way be acceptable to the Pinetop Lakes Association.

Navajo County has received the Public Equestrian Right-of-Way Deed, legally executed by Mr. Ginsburg, and is now prepared to record both the Abandonment of Tomahawk Road and the Deed of Public Equestrian Right-of-Way. Prior to this recordation, we need confirmation from the Board of Directors of the Pinetop Lakes Association that you are satisfied with the proposed public equestrian right-of-way dedication and are not opposed to the abandonment of Tomahawk Road.

By signing below, you are stating that you are satisfied with the public equestrian right-of-way proposed by Mr. Ginsburg and that you are not opposed to the abandonment of Tomahawk Road.

Frank M. Smith  
President, Pinetop Lakes Assoc.

5-20-92  
Date

ATTEST: Glenn Leach  
Secretary, Pinetop Lakes Assoc.

5-20-92  
Date

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